

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. CR-23-227-R
)	
ERICK GACHUHI WANJIKU,)	
)	
Defendant.)	

ORDER

Before the Court is Defendant Erick Gachuhi Wanjiku’s Motion to Compel [Doc. No. 162] as well as his Motion to Suspend Sentence [Doc. No. 165]. Both are DENIED.

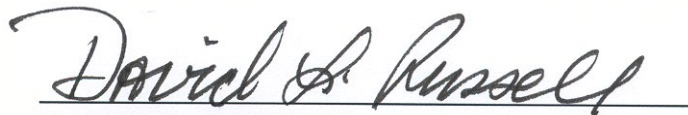
First, Defendant seeks an order compelling the Government to supply a five-hour surveillance video. But there is no active appeal or other pending litigation in this case, so there is no basis for compelling the Government to provide the video.

Second, the Court notes that Defendant’s Motion to Suspend Sentence may be more appropriately construed as seeking to vacate or correct his sentence pursuant to 28 U.S.C. § 2255. This provision provides the exclusive remedy for a federal prisoner seeking relief from his federal sentence. *Baker v. Sheriff of Santa Fe Cnty.*, 477 F.2d 118, 119 (10th Cir. 1973). But because of the consequences associated with filing multiple motions under Section 2255, the Court declines to recharacterize Defendant’s motion as brought pursuant to Section 2255. *See United States v. Triplett*, 166 F. App’x 362, 366 (10th Cir. 2006) (explaining that there are restrictions on subsequent § 2255 motions). The Clerk of Court

is directed to send Defendant the forms necessary for filing a Motion under 28 U.S.C. § 2255 should he wish to pursue this avenue.

Accordingly, Defendant's Motion to Compel and Motion to Suspend Sentence are DENIED.

IT IS SO ORDERED this 7th day of April, 2025.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE